

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Final Office Action mailed on April 9, 2008 and Advisory Action of July 9, 2008, and the references cited therewith. Applicant would also like to thank the Examiner and his Supervisory Examiner for discussing the merits of this case on several occasions since the mailing of the Advisory Action. Applicant has taken these discussions into account in preparing these claim amendments and believe the claims are in condition for allowance.

Claims 35, 37-39, 43, 46, 48-50, 53, 59, 67, and 68 are amended, claims 1-34, 44-45, 47, 51-52, 54-58, 62-66, and 69-71 are canceled, and no claims are added; as a result, claims 35-43, 46, 48-50, 53, 59-61, 67, and 68 are now pending in this application.

Specification

Applicant has amended the specification, as indicated above, to resolve errors that occurred in the typing of the present application and to make the paragraph more easily readable.

§ 102 Rejection of the Claims

Claims 35, 37-38, 45, 53-55, and 62 were rejected under 35 USC § 102(b) as being anticipated by Rhodes, et al. (U.S. Patent No. 4,608,785). Applicant respectfully traverses the rejection as follows.

While Applicant believes that claims 35, 37-38, 45, 53-55, and 62 are patentable in view of the Rhodes reference, in the interests of proceeding to allowance of this case, Applicant has amended independent claims 35 and 53 to incorporate Examiner indicated allowable subject matter.

For example, Applicant has taken subject matter from allowable dependent claim 58 (now canceled) and incorporated it into its independent claim 53.

Applicant reserves the right to argue the allowability of the previously presented claims or other claims to the disclosed subject matter in one or more continuations or divisional applications. Applicant respectfully requests reconsideration and withdrawal of the § 102 rejection of independent claim 53, as amended, as well as those claims that depend therefrom.

§ 103 Rejection of the Claims

Claim 56 was rejected under 35 USC § 103(a) as being unpatentable over Rhodes, et al. (U.S. Patent No. 4,608,785). Applicant respectfully traverses the rejection as follows.

As noted above, Applicant has canceled independent claim 35 and amended claim 53 to incorporate Examiner indicated allowable subject matter. Accordingly Applicant respectfully requests reconsideration and withdrawal of the § 103 rejection of dependent claim 56, which depends from allowable independent claim 35.

Allowable Subject Matter

Applicant notes with appreciation the allowance of claims 39-43, 46, 48-50, and 60-61. Applicant notes with appreciation that claims 51-52 and 58-59 were objected to as being dependent upon a rejected base claims, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has canceled independent claim 35 and amended claim 53 to incorporate Examiner indicated allowable subject matter. Applicant has amended independent claim 39, as well as dependent claims 37, 43, 48-50, 52, 54-57, 59, 67, and 68 for clarity rather than in response to cited art. Applicant respectfully submits that such amendments do not affect the indicated allowability of Applicant's claims.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's below listed attorney at (612) 236-0121 to facilitate prosecution of this matter.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS RCE Commissioner of Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 9th day of September, 2008.

Sarah L. Reinhard
Name

Sarah L. Reinhard
Signature

Respectfully Submitted,
Jonathan T. Miller, et al.

By Applicant's Representatives,
Brooks, Cameron & Huebsch, PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis, MN 55403

By: Jeffery L. Cameron
Jeffery L. Cameron
Reg. No. 43,527

Date: 9/9/08